

HOUSE BILL 731

O1

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By: **Delegate Costa**

Introduced and read first time: February 5, 2010

Assigned to: Appropriations and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Human Services – Public Assistance – Program Modifications**

3 FOR the purpose of requiring the Maryland Higher Education Commission to
4 coordinate efforts among job training programs to help recipients in the Family
5 Investment Program with certain services; altering certain eligibility
6 requirements for assistance in the Program; altering a certain benefit for
7 welfare avoidance grants under the Program; altering certain requirements
8 under the Program; altering a certain calculation to compute assistance under
9 the Program; altering the recertification requirement for assistance under the
10 Program; altering assistance under the Program relating to noncompliance with
11 a work activity; altering the time period for transitional assistance; altering
12 eligibility requirements for temporary cash assistance; requiring a certain State
13 program funded with general funds to count towards federal maintenance of
14 effort requirements; modifying the responsibilities of an addictions specialist to
15 include certain services relating to mental health problems; requiring a certain
16 treatment provider to notify an addictions specialist of the ongoing treatment
17 status of an applicant or recipient; prohibiting a local department from denying
18 benefits under certain circumstances; altering medical assistance benefits for
19 certain recipients under certain circumstances; altering uses for certain savings
20 made available for reallocation; requiring certain savings that remain
21 unexpended at the end of a fiscal year to revert to the General Fund of the
22 State; requiring the Secretary of Human Resources to establish a certain
23 demonstration project through a grant to certain job training programs; altering
24 the priority funding for certain demonstration projects; requiring mandatory
25 participation in the job skills enhancement program for certain individuals;
26 altering eligibility requirements for the job skills enhancement program;
27 authorizing a local department to work with trade organizations under certain
28 circumstances; altering a certain eligibility requirement for public assistance to
29 adults; requiring certain assistance to be recovered under certain
30 circumstances; requiring certain real estate to have a lien on the property under
31 certain circumstances; requiring a certain lien to be paid under certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 circumstances; altering the time period when an applicant or recipient may
 2 appeal to the Social Services Administration under certain circumstances;
 3 altering the amount of funeral expenses paid by the local department under
 4 certain circumstances; altering the value of money or goods used in determining
 5 a certain penalty for selling or purchasing certain food stamp benefits; allowing
 6 certain eligible individuals or corporations a credit against the State income tax
 7 in a certain amount under certain circumstances; altering a certain definition;
 8 making stylistic changes; providing for the application of this Act; and generally
 9 relating to State public assistance programs.

10 BY repealing and reenacting, with amendments,

11 Article – Human Services

12 Section 5–305(a), 5–308(a), 5–309(a) and (b), 5–310, 5–311(a), 5–312(e)(5) and
 13 (f)(2), 5–313, 5–314, 5–315(d), 5–316(d) and (e)(2), 5–317(a)(1) and (b)(4),
 14 5–318(d), (e), and (g), 5–403(b), 5–407(c)(3) and (d), 5–408(a), 5–415(a),
 15 and 5–504

16 Annotated Code of Maryland

17 (2007 Volume and 2009 Supplement)

18 BY adding to

19 Article – Tax – General

20 Section 10–728

21 Annotated Code of Maryland

22 (2004 Replacement Volume and 2009 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – Human Services**

26 5–305.

27 (a) In cooperation with the Department, the Maryland Higher Education
 28 Commission shall:

29 (1) identify and promote efforts at institutions of higher education to
 30 provide assistance to recipients; and

31 (2) coordinate efforts among institutions of higher education **AND JOB**
 32 **TRAINING PROGRAMS** to encourage and identify student volunteers to help recipients
 33 with educational and employment–related services, including:

34 (i) literacy training;

35 (ii) mentoring;

36 (iii) resume writing; and

1 (iv) job interviewing skills.

2 5-308.

3 (a) (1) A family may be eligible for assistance under this subtitle only if
4 the family includes:

5 (i) a minor child who resides with a custodial parent or other
6 adult caretaker who is a relative of the child; or

7 (ii) a pregnant individual.

8 (2) Assistance shall be provided to an applicant or recipient under this
9 subtitle only if the applicant or recipient:

10 (i) resides in the State [at the time of application for
11 assistance];

12 (ii) if applicable:

13 1. has applied for child support services with the
14 appropriate local child support enforcement office at the time of application for
15 assistance; and

16 2. complies with the requirements of the local child
17 support enforcement office;

18 (iii) has engaged in job search activities as requested by the
19 Department;

20 (iv) participates in work activity under this subtitle; and

21 (v) meets all other FIP requirements that the Secretary
22 establishes by regulation.

23 5-309.

24 (a) Except for an applicant or recipient who is a single child, the FIP shall
25 include:

26 (1) an assessment of each applicant or recipient that considers:

27 (i) the reasons for applying for or continuing to rely on
28 assistance;

1 (ii) an evaluation of appropriate work activities based on
2 educational level, job skills and readiness, and interests; and

3 (iii) personal and family resources available to facilitate
4 independence; and

5 (2) welfare avoidance grants that:

6 (i) meet immediate needs so that an applicant or recipient can
7 avoid temporary cash assistance;

8 (ii) may be granted as the Department considers appropriate;

9 (iii) may not cover the same type of immediate need met by a
10 previous welfare avoidance grant unless the Department determines that the current
11 immediate need is a new and verified emergency;

12 (iv) do not exceed an amount of [3] 2 months of temporary cash
13 assistance, unless the Department determines there is a compelling need for an
14 amount not exceeding [12] 6 months; and

15 (v) may not duplicate periods of temporary cash assistance.

16 (b) Except for a recipient who is a single child, the FIP for a recipient shall
17 include:

18 (1) an agreement between the Department and the recipient that:

19 (i) requires the recipient to cooperate with the child support
20 enforcement agency to obtain support from a noncustodial parent;

21 (ii) requires the recipient to comply with **JOB TRAINING**
22 **PROGRAMS AND** reasonable requests for cooperation by case management workers in
23 seeking and using programs and community and family resources that may be
24 available to the recipient;

25 (iii) specifies the work activities in which the recipient will
26 participate; and

27 (iv) specifies the supportive services that the local department
28 will assist in providing and that are necessary for the recipient to meet the recipient's
29 obligations under the FIP;

30 (2) supportive services activities, including child care, to the extent
31 resources allow;

1 (3) referral, as appropriate, to family planning counseling and services
2 that:

3 (i) are not offered or conducted in a manner that:

4 1. is coercive;

5 2. violates the recipient's confidentiality; or

6 3. violates the recipient's bona fide religious beliefs and
7 practices; and

8 (ii) [~~gives~~] GIVE preference to eligible teen parents; and

9 (4) temporary cash assistance, as a last resort.

10 5–310.

11 (a) (1) For applicants to the FIP, the amount of assistance shall be
12 computed by counting no more than 4 weeks of earned income in any month and
13 disregarding [~~20%~~] **10%** of that earned income.

14 (2) For eligible recipients who obtain unsubsidized employment, the
15 amount of assistance shall be computed by counting no more than 4 weeks of earned
16 income in any month and disregarding [~~40%~~] **30%** of that earned income.

17 (b) A recipient who has established eligibility may not lose eligibility solely
18 because one or more wage earners in the family unit works more than [~~100~~] **120** hours
19 per month.

20 [(c) Two-parent families shall be exempt from any requirement that the
21 principal wage earner must have worked for a specified time before applying to the
22 FIP.]

23 [(d)] **(C)** (1) A child who is living with the child's parent and a
24 stepparent in a household in which the household income exceeds **NOT MORE THAN**
25 **10% OF** the State eligibility standard for assistance may receive assistance if:

26 (i) the requirements of § 5–308 of this subtitle are met; and

27 (ii) the parent and the child would be eligible for assistance,
28 based on the income of the parent and that parent's children.

29 (2) The amount of assistance to be paid under paragraph (1) of this
30 subsection shall be computed with regard to the income of the stepparent if the total
31 income of the stepparent equals or exceeds 50% of the official poverty level, adjusted
32 for family size, established under the federal Community Services Block Grant Act.

1 **[(e) (D)]** A dependent child over the age of 17 years is eligible for inclusion
2 in the FIP grant if:

3 (1) the child is a full-time student in secondary school or the
4 equivalent **OR IN A JOB TRAINING PROGRAM**; and

5 (2) the education program **OR JOB TRAINING PROGRAM** is expected
6 to be completed in the calendar year that the child attains the age of 19 years.

7 5-311.

8 (a) All assistance granted under this subtitle **[is] SHALL BE** subject to
9 **[periodic] ANNUAL** recertification.

10 5-312.

11 (e) (5) For noncompliance with a work activity, temporary cash assistance
12 shall resume in the following manner:

13 (i) for the first instance of noncompliance, temporary cash
14 assistance shall resume immediately on compliance;

15 (ii) for the second instance of noncompliance, temporary cash
16 assistance shall resume after **[10] 30** days of compliance with the work activity; **[and]**

17 (iii) for each subsequent instance of noncompliance **NOT**
18 **EXCEEDING A TOTAL OF FOUR INSTANCES**, temporary cash assistance shall resume
19 after **[30] 60** days of compliance with a work activity; **AND**

20 **(IV) FOR AN INSTANCE OF NONCOMPLIANCE FOLLOWING**
21 **THE FOURTH INSTANCE, TEMPORARY CASH ASSISTANCE SHALL TERMINATE**
22 **PERMANENTLY FOR THE RECIPIENT.**

23 (f) (2) If a caseworker determines that transitional assistance is
24 appropriate, the FIP benefit that would have been paid to the recipient shall be paid
25 instead to a third party payee on behalf of the recipient for a period of up to **[3**
26 **months] 30 DAYS.**

27 5-313.

28 (a) Except as provided in subsection (b) of this section and in regulations
29 that the Secretary adopts, a local department may not pay temporary cash assistance
30 to:

1 (1) a family that includes an adult who has received more than [60]
2 **10** cumulative months of temporary cash assistance funded wholly or partly by federal
3 funds; or

4 (2) a family that includes an adult who:

5 (i) has received more than [24] **10** cumulative months of
6 temporary cash assistance funded wholly or partly by federal funds; and

7 (ii) [who] is not participating in a work activity **OR JOB**
8 **TRAINING PROGRAM.**

9 (b) The Secretary shall adopt regulations that establish:

10 (1) standards and procedures under which a local department may
11 exempt a family from the limitation under subsection (a)(1) of this section because of
12 hardship; and

13 (2) a separate State program that:

14 (i) is funded entirely from State general funds that [may]
15 **SHALL** be counted toward any federal maintenance of effort requirement;

16 (ii) pays temporary cash assistance to a family that is exempted
17 under item (1) of this subsection but cannot receive federal funds because of federal
18 limitations; and

19 (iii) is subject to all FIP requirements under this subtitle.

20 (c) The provisions of this section are subject to federal law and regulation.

21 5-314.

22 (a) In this section, “addictions specialist” means an addictions specialist who
23 is located on-site at a local department **OR IDENTIFIED BY THE LOCAL**
24 **DEPARTMENT.**

25 (b) (1) An addictions specialist shall assess the need of any adult or minor
26 parent applicant or recipient for substance abuse **AND MENTAL HEALTH** treatment:

27 (i) at the initial application for temporary cash assistance; [or]
28 **AND**

29 (ii) when considered appropriate by the FIP case manager of the
30 local department.

1 (2) The addictions specialist shall screen the applicant or recipient to
2 expose potential barriers that the applicant or recipient may have in obtaining
3 employment such as a substance abuse **OR MENTAL HEALTH** problem.

4 (3) The addictions specialist shall inform each adult or minor parent
5 applicant or recipient of the requirements of FIP regarding substance abuse **AND**
6 **MENTAL HEALTH** treatment.

7 (4) If the applicant or recipient does not complete the screening
8 required under paragraph (2) of this subsection, the addictions specialist shall notify
9 the FIP case manager.

10 (c) (1) If the screening performed by the addictions specialist reveals that
11 an applicant or recipient has a substance abuse **OR MENTAL HEALTH** problem, the
12 addictions specialist shall:

13 (i) conduct, or refer for, an assessment of the applicant's or
14 recipient's substance abuse **OR MENTAL HEALTH** problem and, if appropriate,
15 determine placement for treatment and related support services;

16 (ii) refer the applicant or recipient for appropriate substance
17 abuse **OR MENTAL HEALTH** treatment and related support services;

18 (iii) obtain the signature of the applicant or recipient on a form
19 consenting to the release of confidential substance abuse **OR MENTAL HEALTH**
20 treatment information **IN ACCORDANCE WITH FEDERAL LAW**;

21 (iv) forward the consent form to the appropriate substance abuse
22 **OR MENTAL HEALTH** treatment provider; and

23 (v) obtain any necessary treatment information from the
24 substance abuse **OR MENTAL HEALTH** treatment provider.

25 (2) (i) The substance abuse **OR MENTAL HEALTH** treatment
26 provider shall notify the addictions specialist of the ongoing treatment status of the
27 applicant or recipient.

28 (ii) The addictions specialist shall notify the FIP case manager
29 if an applicant or recipient:

30 1. fails to complete the assessment required under
31 paragraph (1)(i) of this subsection;

32 2. fails to sign the consent form required under
33 paragraph (1)(iii) of this subsection;

1 3. is referred for appropriate substance abuse **OR**
2 **MENTAL HEALTH** treatment;

3 4. is awaiting the availability of appropriate treatment;

4 5. fails to enroll or maintain enrollment with an
5 available substance **ABUSE OR MENTAL HEALTH** treatment provider or to complete
6 the treatment protocol;

7 6. is enrolled in a treatment program; or

8 7. successfully completes treatment.

9 (iii) The addictions specialist shall also notify the FIP case
10 manager regarding the ongoing treatment status of the applicant or recipient.

11 (d) An adult or minor parent applicant or recipient who complies with the
12 substance abuse **OR MENTAL HEALTH** treatment requirements of the FIP:

13 (1) shall receive a full temporary cash assistance benefit as long as the
14 applicant or recipient meets the other temporary cash assistance eligibility
15 requirements; and

16 (2) may be exempt from the work activity requirements for a period of
17 time determined by the FIP case manager in consultation with the addictions
18 specialist.

19 (e) An adult or minor parent applicant or recipient is not in compliance with
20 FIP requirements if the FIP case manager receives notice from the addictions
21 specialist that the applicant or recipient:

22 (1) fails to complete the screening or assessment required under
23 subsections (b)(2) and (c)(1)(i) of this section;

24 (2) fails to sign the consent form required under subsection (c)(1)(iii) of
25 this section; or

26 (3) is referred for appropriate and available substance abuse **OR**
27 **MENTAL HEALTH** treatment by the addictions specialist but fails to enroll or to
28 maintain active enrollment in the treatment program or complete the treatment
29 protocol.

30 (f) After the FIP case manager receives a notice under subsection (e) of this
31 section, the local department shall:

32 (1) send a denial notice to the adult or minor parent applicant that:

1 (i) states:

2 1. that the applicant has not met FIP requirements;

3 2. the specific reason why the applicant is not eligible for
4 FIP; and

5 3. that if the applicant fails to fulfill the requirements on
6 or before the 30th work day after the application for temporary cash assistance was
7 filed, the application is denied; and

8 (ii) notifies the applicant of the applicant's right to appeal and
9 the procedures for filing an appeal; and

10 (2) separately determine eligibility for medical assistance and food
11 stamps.

12 (g) After the FIP case manager receives a notice under subsection (e) of this
13 section, the local department shall send a notice to the adult or minor parent recipient
14 that:

15 (1) identifies the recipient who is not in compliance with FIP
16 requirements;

17 (2) states the specific reason why that recipient is not in compliance
18 with FIP requirements; and

19 (3) states that 30 days after the date of the notice:

20 (i) the temporary cash assistance benefits will be reduced by
21 that increment in cash benefits attributable to the noncompliant recipient; and

22 (ii) the remainder of the cash benefits for the child or children in
23 the FIP case will be paid to a third party payee or a compliant adult recipient; and

24 (4) notifies the recipient of the recipient's right to appeal and the
25 procedures for filing an appeal.

26 (h) (1) The local department shall reduce the temporary cash assistance
27 benefits of an adult or minor parent recipient and pay the remainder of the cash
28 benefits to a third party payee or a compliant adult recipient as described in
29 subsection (g) of this section, if:

30 (i) the recipient fails to complete a substance abuse **AND**
31 **MENTAL HEALTH** screening or assessment by an addictions specialist, as required
32 under subsections (b)(2) and (c)(1)(i) of this section; or

1 (ii) the required screening and assessment or the results of any
2 follow-up diagnostic testing or treatment reveal that the recipient is a substance
3 abuser **OR HAS A MENTAL HEALTH PROBLEM** and the recipient refuses to enroll or
4 maintain enrollment in available and appropriate substance abuse **OR MENTAL**
5 **HEALTH** treatment.

6 (2) The local department shall continue to make temporary cash
7 assistance benefits payments to a third party payee or a compliant adult recipient
8 until the local department receives notice from the addictions specialist that the
9 recipient is actively enrolled, as defined by the Alcohol and Drug Abuse
10 Administration, in the appropriate substance abuse treatment **OR ACTIVELY**
11 **ENROLLED IN THE APPROPRIATE MENTAL HEALTH TREATMENT** indicated by the
12 addictions specialist.

13 (i) The local department may not deny an adult or minor parent applicant's
14 temporary cash assistance benefit or reduce an adult or minor parent recipient's
15 temporary cash assistance benefit as described under subsections (f) and (g) of this
16 section, if the applicant or recipient:

17 (1) receives the screening and assessment required under subsections
18 (b)(2) and (c)(1)(i) of this section, and the screening and assessment or the results of
19 any follow-up diagnostic testing or treatment reveal that the applicant or recipient is
20 a substance abuser **OR HAS A MENTAL HEALTH PROBLEM**; and

21 (2) agrees to participate in appropriate substance abuse **OR MENTAL**
22 **HEALTH** treatment, as determined by the addictions specialist, but the appropriate
23 substance abuse **OR MENTAL HEALTH** treatment is not available.

24 (j) The denial or reduction of temporary cash assistance under this section
25 does not affect an adult or minor parent applicant or recipient's eligibility for medical
26 assistance and food stamps, as long as the applicant or recipient meets the medical
27 assistance and food stamp program requirements.

28 5-315.

29 (d) A recipient who obtains employment remains eligible for medical
30 assistance for up to [12]:

31 (1) **6 months after the date of employment IF THE EMPLOYER**
32 **OFFERS AN EMPLOYER SPONSORED HEALTH BENEFIT PLAN; OR**

33 (2) **12 MONTHS AFTER THE DATE OF EMPLOYMENT IF THE**
34 **EMPLOYER DOES NOT OFFER AN EMPLOYER SPONSORED HEALTH BENEFIT**
35 **PLAN.**

36 5-316.

1 (d) Except as provided in subsection (e)(1) of this section, savings made
2 available for reallocation may be used for:

3 (1) child care;

4 (2) work **AND JOB TRAINING** activities;

5 (3) welfare avoidance grants;

6 (4) drug **AND MENTAL HEALTH** treatment for targeted recipients;

7 (5) transportation;

8 (6) emergency funds for applicants and recipients;

9 (7) administration to the extent that additional administrative costs
10 are required to effectively implement the FIP; or

11 (8) any other direct service to applicants or recipients that the
12 Secretary and the local department consider appropriate to further the purposes of
13 this subtitle.

14 (e) (2) [Notwithstanding § 7-302 of the State Finance and Procurement
15 Article, any] **ANY** savings allocated under this subsection that remain unexpended at
16 the end of a fiscal year [may be carried over into the next fiscal year] **SHALL REVERT**
17 **TO THE GENERAL FUND OF THE STATE IN ACCORDANCE WITH § 7-302 OF THE**
18 **STATE FINANCE AND PROCUREMENT ARTICLE.**

19 5-317.

20 (a) (1) The Secretary shall establish demonstration projects through
21 grants to:

22 (i) nonprofit organizations;

23 (ii) local education agencies;

24 (iii) local management boards;

25 (iv) local health departments;

26 (v) religious organizations; and

27 (vi) institutions of higher education **AND JOB TRAINING**
28 **PROGRAMS.**

1 (b) (4) When awarding grants under paragraph (1) of this subsection, the
2 Secretary shall give priority in funding for at least [20%] **25%** of the funds allocated to
3 demonstration projects under this section to regional proposals from two or more
4 counties in the State.

5 5–318.

6 (d) (1) Participation in the job skills enhancement program shall be
7 [voluntary] **MANDATORY FOR ELIGIBLE INDIVIDUALS IN ACCORDANCE WITH**
8 **SUBSECTION (E) OF THIS SECTION.**

9 (2) Individuals participating in the job skills enhancement program
10 shall sign a training agreement with the local department.

11 (e) To be eligible to participate in the job skills enhancement program, an
12 individual shall:

13 (1) (i) have been a recipient during the [36] **24** months before
14 beginning participation in the job skills enhancement program; or

15 (ii) a former recipient, a child of a current or former recipient, a
16 foster youth, or obligor;

17 (2) have been employed in entry–level employment for at least 6
18 months before beginning participation in the job skills enhancement program;

19 (3) provide employer validation or other documentation of employment
20 status;

21 (4) have limited job skills; and

22 (5) have limited opportunity for advancement in the individual’s
23 current employment.

24 (g) (1) The local department may work with businesses **AND TRADE**
25 **ORGANIZATIONS** to train and place current and former recipients, children of current
26 or former recipients, foster youth, and obligors in positions that meet the requirements
27 of paragraph (2) of this subsection.

28 (2) Participating businesses shall:

29 (i) provide employment with benefits paid to employees;

30 (ii) provide employment that has a defined career path;

31 (iii) demonstrate the active involvement and financial
32 commitment of the business; and

1 (iv) provide a match with cash or in-kind contributions on at
2 least a one-to-one basis.

3 5-403.

4 (b) An applicant may not assign or transfer property to establish eligibility
5 for assistance under this part during the [3] 5 years before:

6 (1) filing an application for assistance; or

7 (2) receiving assistance.

8 5-407.

9 (c) (3) Assistance paid before the recipient received the property or
10 income that exceeds the recipient's need [may] **SHALL** be recovered by the local
11 department as a debt due.

12 (d) (1) When a recipient dies:

13 (i) the total amount of assistance paid under this part shall be
14 allowed as a claim against the estate; and

15 (ii) the net amount recovered shall be divided between the State
16 and county in proportion to the amount of assistance paid by each.

17 (2) **(I) [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**
18 **THIS PARAGRAPH, THE claim may not be enforced against real estate occupied by the**
19 **recipient's surviving spouse or dependents.**

20 **(II) A LIEN IN THE AMOUNT OF THE CLAIM SHALL ATTACH**
21 **TO REAL ESTATE OCCUPIED BY THE RECIPIENT'S SURVIVING SPOUSE OR**
22 **DEPENDENTS.**

23 **(III) THE AMOUNT OF THE LIEN SHALL BE PAID ON:**

24 **1. THE SALE OF THE PROPERTY; OR**

25 **2. THE SETTLEMENT OF THE ESTATE OF THE**
26 **SURVIVING SPOUSE.**

27 5-408.

28 (a) An applicant or recipient may appeal to the Administration if the local
29 department:

- 1 (1) does not act on an application within [a reasonable time] **30 DAYS**;
- 2 (2) denies an application wholly or partly; or
- 3 (3) modifies or cancels a grant of assistance.

4 5-415.

5 (a) (1) A local department may pay the reasonable funeral expenses of a
6 decedent who was a:

7 (i) recipient of public assistance, including temporary cash
8 assistance or public assistance to adults; or

9 (ii) State resident receiving Supplemental Security Income
10 under Title XVI of the Social Security Act.

11 (2) The funeral expenses paid by the local department may not exceed
12 **[\$900] \$500**.

13 5-504.

14 (a) A person may not sell or purchase food stamp program benefits unless
15 otherwise authorized by law.

16 (b) A person may not knowingly buy or sell merchandise that has been
17 purchased with food stamp program benefits.

18 (c) If the value of the money or goods involved is **[\$1,000] \$500** or more, a
19 person who violates this section is guilty of a felony and on conviction:

20 (1) is subject to imprisonment not exceeding 5 years or a fine not
21 exceeding \$10,000 or both; and

22 (2) shall make full restitution of the money or goods unlawfully
23 received or perform community service, as determined by the court.

24 (d) If the value of the money or goods involved is less than **[\$1,000] \$500**, a
25 person who violates this section is guilty of a misdemeanor and on conviction:

26 (1) is subject to imprisonment not exceeding 3 years or a fine not
27 exceeding \$1,000 or both; and

28 (2) shall make full restitution of the money or goods unlawfully
29 received or perform community service, as determined by the court.

